

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
)
 vs.) Case No. 21-03131-01-CR-S-MDH
)
)
LISA BEATRICE GEE,)
)
 Defendant.)

ORDER

Before the Court is Defendant's *Pro Se* Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and Part A of Amendment 821 to the Sentencing Guidelines. (Doc. 45). The Government opposes Defendant's Motion to Reduce Sentence. (Doc. 48). Defendant was sentenced to 48 months imprisonment following a guilty plea for wire fraud, in violation of 18 U.S.C. § 1343, and mail fraud, in violation of 18 U.S.C. § 1341. (Doc. 41).

Under 18 U.S.C. § 3582(c)(2), a court may reduce a previously imposed sentence for a "defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." 18 U.S.C.A. § 3582. In 2023, the Sentencing Commission promulgated Amendment 821, which, in relevant part, allows for a reduction in offense level for certain offenders who lack criminal history points at the time of sentencing. U.S.S.G. § 4C1.1.

As the Government points out, however, Defendant is not eligible under §3582(c)(2) and Part A of Amendment 821 because application of Amendment 821 would not change Defendant's

guidelines range. *See* U.S.S.G. § 1B1.10(b)(2). Applying Amendment 821's change to Defendant's guidelines calculation would reduce her total criminal history score to 21 but would not change her criminal history category or her guidelines range. *See* U.S.S.G. ch. 5. For these reasons, Defendant's *Pro Se* Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and Part A of Amendment 821 to the Sentencing Guidelines is **DENIED**.

IT IS SO ORDERED.

DATED: October 17, 2024

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE